

## REMARKS

In response to the July 26, 2007 Office Action, Applicant responds to the Examiner's detailed action as follows. Claims 1-50 are pending; claims 19-23 and 27-32 are allowed; claims 11-12, 26, and 38-50 are objected to but allowable; and claims 1-10, 13-18, 24-25, and 33-37 are rejected. Claims 18 and 44 have been amended in response to the §112 rejections, and therefore do not add new matter. Claims 7 and 24 have been amended to add the elements and limitations of claim 8 and 26, respectively, and therefore these amendments add no new matter. Claims 1-6, 8, and 25-26 have been cancelled without prejudice.

### Claim Rejections – 35 USC §112

In response to the Examiner's rejection of claims 18 and 44 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention, Applicant has amended claim 18 replacing "data set" with "system," and claim 44 singularizing "distances."

### Claim Rejections – 35 USC §102

In response to the Examiner's rejection of claims 1, 2, 4-10, 13-18, 24-25, and 33-37 under 35 U.S.C. §102(b) as being anticipated by PCT Publication Number WO 99/18732 (Ciampa), Applicant respectfully disagrees. Notwithstanding Applicant's disagreement with the rejection of claims under §102(b), Applicant has hereby cancelled claims 1, 2, 4-6, and 8 without prejudice. Applicant responds to the remaining rejections as follows.

In response to the Examiner's rejection of claims 7-10, 13-18, and 33-37 under 35 U.S.C. §102(b) as being anticipated by WO 99/18732 (Ciampa), Applicant respectfully disagrees. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With respect to claim 7, Applicant has been amended claim 7 to insert the elements of claim 8. The elements of amended claim 7 require that system have a ground plane data file representing a tessellated ground plane, said ground plane data file accessible by said computer system, said ground plane data file representing a tessellated ground plane that closely approximates at least a portion of the terrain depicted within said captured oblique images. Also, the present invention teaches the use of a tessellated ground plane data, providing information for each facet within a captured oblique image. (See Fig. 6 for showing of facets in tessellated ground plane; Para. 64-70). For instance, the data may be elevation information related to points within the facet, and can be used for accurate distance measuring. Ciampa does not teach a tessellated ground plane.

In particular, Ciampa teaches the use of an iterative process using complex trigonometric equations and also the use of the Digital Elevational Model (DEM) system that provides elevation information of points being measured. (*See* Ciampa, p. 12). Further, the system in Ciampa requires that location of any point must be known in the system to determine elevational information. Then, the elevational information of the two points is taken into account, but the elevation changes between the two points is not accounted for in the system taught by Ciampa. Therefore, an inherent error in distance measurement is present, because if there are significant elevation changes between points such changes are not taken into account.

Conversely, the system of the present invention uses a faceted ground plane having data associated with corners of each facet in the image, such as elevation data which can be used in distance measuring. Elevation information for points within a facet can be calculated quickly using the corner data as a reference. Then, the distance measurement operation takes into account each facet between two points, not just the data associate with two points, for distance measurement. This measuring method is known as the "walk the earth" method, which accounts for the elevation changes between points and providing accurate measurements. Accordingly, the tile and mosaic image does not corresponds to a tessellated ground plane, because the tiling of the images references the layout of the digital captured image, whereas the tessellated ground plane refers to facets within a captured image for use in various operations such as distance measuring. Applicant, therefore, respectfully requests withdrawal of the rejection of claim 7.

With respect to claims 8-10, 13-18 and 33-37, Applicant respectfully requests withdrawal of the rejection of claims 9, 10, 13-18, and 33-37, because each of these claims depends either directly or indirectly from claim 7, which is distinguishable from Ciampa for the above-stated reasons.

In response to the Examiner's rejection of claims 24 and 25 under 35 U.S.C. §102(b) as being anticipated by Ciampa, Applicant respectfully disagrees. Notwithstanding, Applicant has amended claim 24 to add the limitations of allowable claim 26, and cancelled claim 25 and 26 without prejudice.

#### **Claim Rejections – 35 USC §103**

In response to the Examiner's rejection of claim 3 as being unpatentable over Ciampa in view of U.S. Patent Number 5,894,323 (Kain), Applicant respectfully disagrees. Notwithstanding Applicant's disagreement with the rejection of claims under §103, Applicant has hereby cancelled claim 3 without prejudice.

#### **Allowable Subject Matter**

Applicant appreciates the Examiner's indication that claims 11, 12, 26, and 38-50 are allowable, but objected to because they depend upon rejected claim 7. Applicant, however, respectfully requests withdrawal of the objection to these claims, because claim 7 is now in condition for allowance for the above-stated reasons.

#### **CONCLUSION**

Applicant appreciates the opportunity to call the Examiner but believe that the amendments to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned if there are any matters to address that will facilitate allowance of the application.

Applicant respectfully requests favorable consideration and that a timely Notice of Allowance be issued in this case.

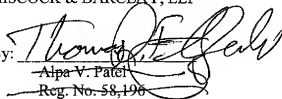
In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicant

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herby conditionally petitions therefore and authorize that any charges be made to  
Deposit Account No.: 50-3010.

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